

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 13-00070-02

VERSUS

JUDGE S. MAURICE HICKS, JR.

ANTHONY WILLIAMS

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is a Motion for Clarification of Judgment and Nunc Pro Tunc Designation (Record Document 79) filed by Defendant Anthony Williams ("Williams"). Defendant argues that "prior to being sentenced, he and his attorney met with the federal probation officer to complete a presentence report. During this investigation, Mrs. Demoss explained to Defendant and his attorney that Defendant would receive credit for all the time he spent in federal custody beginning on June 20, 2012." See Record Document 79. For the reasons which follow, the motion is **DENIED**.

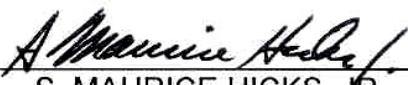
The Fifth Circuit has held that, "[T]he Attorney General, through the Bureau of Prisons (BOP) determines what credit, if any, will be awarded to prisoners for time spent in custody prior to commencement of their federal sentences." Leal v. Tombone, 341 F. 3d 427 (5th Cir. 2003). This Court plays no role in determining what credit for time served a prisoner receives, and therefore the petitioner must take this issue up with the Bureau of Prisons. To the extent Petitioner wishes to challenge the calculation of time served through the Court, such a claim may only be brought in a petition for writ of habeas corpus under 28 U.S.C. §2241 in the jurisdiction in which the Petitioner is confined.

Accordingly,

IT IS ORDERED that the Motion for Clarification of Judgment and Nunc Pro Tunc

Designation (Record Document 79) filed by Defendant Anthony Williams be and is hereby
DENIED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 1st day of December,
2014.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE